

RESOLUTION NO. A-_____

USE PERMIT NO. 150A

1 WHEREAS, Eiger Corp. has submitted an application in accordance with
2 Section 27.37.070 of the Lincoln Municipal Code designated as Use Permit No. 150A
3 for authority to construct 325,000 square feet of commercial and retail floor area, with
4 requested waivers to the Land Subdivision Ordinance and Zoning Code to waive the
5 required preliminary plat process, to allow a cul-de-sac in excess of 1,000 feet, to
6 reduce setbacks from 20 feet to zero feet adjacent to outlots, to not require a sidewalk
7 along Highway 2 and South 87th Street, to allow the transfer of sewage from one
8 drainage basin to another, and to allow lot lines not at right angles to streets, on
9 property generally located southeast of the intersection of South 84th Street and
10 Highway 2, and legally described to wit:

11 A tract of land composed of all of Lots 83, 114 and 115,
12 Irregular Tracts, located in the Southwest Quarter of Section
13 23, a part of Outlot A, Appian Way Regional Center Phase 2
14 Addition, all of Outlot B, Appian Way Regional Center Phase
15 2 Addition, a part of Outlot C, Appian Way Regional Center
16 Phase 2 Addition, all of Outlots E, F, G and H, Appian Way
17 Regional Center Phase 2 Addition, located in the Southwest
18 Quarter of Section 23, all of Lot 81, Irregular Tract, located
19 in the Northwest Quarter of Section 23, a part of the
20 Southwest Quarter of the Northwest Quarter of Section 23, a
21 part of the Northwest Quarter of the Southwest Quarter of
22 Section 23 and a part of the Southeast Quarter of the
23 Northeast Quarter of Section 22, all in Township 9 North,
24 Range 7 East of the Sixth Principal Meridian, Lancaster
25 County, Nebraska, described as follows:

26 Referring to the southwest corner of said Northwest Quarter
27 Section 23; thence S 89°52'54" E, assumed bearing, along
28 the south line of said Northwest Quarter Section a distance

of 8.32 feet to the future easterly right-of-way line of South 84th Street and the point of beginning, said point also being the point of curvature of a 585.00 foot radius curve, concave to the west; thence northwesterly along said future easterly right-of-way line and said curve, through a central angle of $5^{\circ}19'51''$ an arc distance of 54.43 feet, the chord of said curve bears $N\ 29^{\circ}31'49''\ W$, a distance of 54.41 feet; thence $N\ 32^{\circ}11'45''\ W$ along said future easterly right-of-way line, a distance of 136.19 feet to the point of curvature of a 465.00 foot radius curve, concave to the east; thence northerly along said future easterly right-of-way line and said curve, through a central angle of $04^{\circ}50'15''$ an arc distance of 39.26 feet, the chord of said curve bears $N\ 29^{\circ}46'38''\ W$, a distance of 39.25 feet; thence $N\ 62^{\circ}38'30''\ E$ along said future easterly right-of-way line, a distance of 5.00 feet to a point on a 460.00 foot radius curve, concave to the east; thence northerly along said future easterly right-of-way line and said curve, through a central angle of $56^{\circ}22'59''$ an arc distance of 452.67 feet, the chord of said curve bears $N\ 00^{\circ}49'59''\ E$, a distance of 434.63 feet; thence $N\ 29^{\circ}01'29''\ E$ along said future easterly right-of-way line, a distance of 39.29 feet to the intersection with the future southerly Nebraska Highway No. 2 right-of-way line; thence $S\ 58^{\circ}04'03''\ E$ along said future southerly right-of-way line, a distance of 125.63 feet to an intersection of the existing southerly right-of-way line of Nebraska Highway No. 2 and the easterly existing South 84th Street right-of-way line; thence $S\ 74^{\circ}45'16''\ E$ along said southerly right-of-way line, a distance of 74.68 feet; thence $S\ 48^{\circ}10'50''\ E$ along said southerly right-of-way line, a distance of 301.81 feet; thence $S\ 54^{\circ}27'15''\ E$ along said southerly right-of-way line, a distance of 400.00 feet; thence $S\ 58^{\circ}59'08''\ E$ along said southerly right-of-way line, a distance of 290.85 feet to the north line of the Southwest Quarter of said Section; thence $S\ 54^{\circ}27'18''\ E$ along said southerly right-of-way line, a distance of 1615.21 feet; thence $S\ 51^{\circ}36'51''\ E$ along said southerly right-of-way line, a distance of 43.11 feet; thence $S\ 35^{\circ}32'47''\ W$, a distance of 346.74 feet; thence $S\ 56^{\circ}35'33''\ W$, a distance of 36.02 feet to the point of curvature of a 369.50 foot radius curve, concave to the southwest; thence northwesterly along said curve, through a central angle of $21^{\circ}15'29''$ an arc distance of 137.09 feet, the chord of said curve bears $N\ 46^{\circ}26'38''\ W$, a distance of 136.31 feet; thence $N\ 57^{\circ}04'22''\ W$, a distance of 349.77 feet; thence $S\ 54^{\circ}44'21''\ W$, a distance of 284.85 feet to the point of

1 curvature of a 1544.43 foot radius curve, concave to the
2 south; thence southeasterly along said curve, through a
3 central angle of 08°29'28" an arc distance of 228.88 feet, the
4 chord of said curve bears S 49°41'49" E, a distance of
5 228.67 feet to a point on the southerly line of an existing
6 Lincoln Electric System transmission line easement
7 recorded as Instrument Number 95-12607 at the Lancaster
8 County Register of Deeds; thence S 89°01'14" W along said
9 easement line, a distance of 10.53 feet; thence S 59°00'27"
10 E a distance of 22.10 feet to a point on the south line of the
11 north half of the Southwest Quarter Section 23; thence N
12 89°58'00" E along said Quarter Section line, a distance of
13 67.89 feet; thence S 00°02'00" E a distance of 146.74 feet to
14 the northerly right-of-way line of the Omaha Public Power
15 District's railroad line and the point of curvature of a 1494.43
16 foot radius curve, concave to the south; thence
17 northwesterly along said northerly right-of-way line and said
18 curve, through a central angle of 55°34'19" an arc distance
19 of 1449.47 feet, the chord of said curve bears N 66°52'50"
20 W, a distance of 1393.32 feet; thence S 85°20'00" W along
21 said northerly right-of-way line, a distance of 303.52 feet to
22 the existing easterly right-of-way line of 84th Street, said
23 point located 70.00 feet easterly of, perpendicular
24 measurement, the west line of said Southwest Quarter
25 Section 23; thence N 00°52'06" E along said existing
26 easterly right-of-way line, a distance of 167.34 feet to a
27 corner of said easterly right-of-way line; thence N 02°10'26"
28 E along said easterly right-of-way line, a distance of 60.05
29 feet; thence N 01°25'12" E along said easterly right-of-way
30 line, a distance of 427.70 feet to the point of curvature of a
31 585.00 foot radius curve concave to the west; thence
32 northerly along said easterly right-of-way line and said curve,
33 through a central angle of 08°25'33" an arc distance of 86.03
34 feet, the chord of said curve bears N 02°47'39" W, a
35 distance of 85.95 feet to a corner of said Lot 115; thence
36 continuing northerly along the future easterly right-of-way
37 line and said curve, through a central angle of 19°51'29" an
38 arc distance of 202.75 feet, the chord of said curve bears N
39 16°56'10" W, a distance of 201.74 feet to the south line of
40 said Northwest Quarter Section and the point of beginning,
41 containing an area of 1,953,951.67 square feet (44.86
42 acres) more or less;

43 WHEREAS, the real property adjacent to the area included within the site
44 plan for this use permit for the development of commercial and retail area will not be
45 adversely affected; and

1 WHEREAS, said site plan together with the terms and conditions
2 hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln
3 Municipal Code to promote the public health, safety, and general welfare.

4 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
5 Lincoln, Nebraska:

6 That the application of Eiger Corp., hereinafter referred to as "Permittee",
7 to construct 325,000 square feet of commercial and retail floor area, with requested
8 waivers to the Land Subdivision Ordinance and Zoning Code to waive the required
9 preliminary plat process, to allow a cul-de-sac in excess of 1,000 feet, to reduce
10 setbacks from 20 feet to zero feet adjacent to outlots, to not require a sidewalk along
11 Highway 2 and South 87th Street, to allow the transfer of sewage from one drainage
12 basin to another, and to allow lot lines not at a right angle to the street, on the property
13 legally described above be and the same is hereby granted under the provisions of
14 Section 26.31.015 and Section 27.37.070 of the Lincoln Municipal Code upon condition
15 that construction and operation of said commercial and retail space be in strict
16 compliance with said application, the site plan, and the following additional express
17 terms, conditions, and requirements:

18 1. This permit approves 325,000 square feet of commercial and retail
19 floor area with waiver of the following requirements:

- 20 a. The provision of Section 26.11.020 of the Lincoln Municipal
21 Code that a preliminary plat is required for all subdivisions is
22 waived.

- b. The requirement of Section 26.23.080 of the Lincoln Municipal Code that dead end streets shall not exceed 1,000 feet is waived to allow a cul-de-sac in excess of 1,000 feet.
- c. The requirement of Section 27.45.070 of the Lincoln Municipal Code that a side yard and rear yard have a 20 foot setback is waived to allow zero foot setbacks adjacent to outlots.
- d. The requirement of Section 26.23.095 of the Lincoln Municipal Code that sidewalks be constructed on both sides of all streets within the Subdivision and on the side of the street abutting the Subdivision is waived along Highway 2 and South 87th Street.
- e. The requirement of Section 26.27.040 of the Lincoln Municipal Code that a wastewater collection system be constructed in accordance with the sanitary sewer design standards is waived to allow the transfer of sewage from one drainage basin to another.
- f. The requirement of Section 26.23.140 of the Lincoln Municipal Code that lot lines be at a right angle to the street is waived to allow lot lines not at right angles to the street.
2. Before receiving building permits:
- a. The Permittee must submit an acceptable revised and reproducible final plan with six copies.
- b. The construction plans must conform to the approved plans.

1 c. Final plats within the area of this use permit must be
2 approved by the Planning Director consistent with the
3 approved use permit.

4 3. Before occupying the buildings, all development and construction
5 must be completed in conformance with the approved plans.

6 4. All privately-owned improvements must be permanently maintained
7 by the Permittee or an appropriately established association approved by the City
8 Attorney.

9 5. The site plan approved by this permit shall be the basis for all
10 interpretations of setbacks, yards, locations of buildings, location of parking and
11 circulation elements, and similar matters.

12 6. The terms, conditions, and requirements of this resolution shall be
13 binding and obligatory upon the Permittee, its successors and assigns. The building
14 official shall report violations to the City Council which may revoke this use permit or
15 take such other action as may be necessary to gain compliance.

16 7. The Permittee shall sign and return the City's letter of acceptance
17 to the City Clerk within 30 days following approval of this use permit, provided, however,
18 said 30-day period may be extended up to six months by administrative amendment.
19 The City Clerk shall file a copy of the resolution approving this use permit and the letter
20 of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by
21 the Permittee.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2004:

Mayor